

OLC RECORD COPY

OLC 78-1929/2

4 August 1978

Pro Les

NOTE FOR: Director

SUBJECT: Electronic Surveillance Bill - H. R. 7308

1. Justice was told of your call to Representative Joe D. Waggonner (D., La.) and they believe that will be very helpful.

2. Calls to the following three additional Members has been recommended by Justice:

Representative Harold L. Volkmer (D., Mo.)

Representative John P. Murtha (D., Pa.)

Representative Jamie L. Whitten (D., Miss.)

Volkmer and Whitten attended the breakfast briefing on 26 July of "moderate" House Members by Mr. Carlucci, Judge Webster, and Admiral Inman at HPSCI. Volkmer is the President of the Freshman Class. Whitten is Ranking Member of the Appropriations Committee (although whether he succeeds Mahon is still up in the air) and chairs the Agriculture Subcommittee. We have had limited dealings with him but he is somewhat close to Chuck Snodgrass and following the capture of the Pueblo he banged DIA around pretty hard for having more information in its files than it was effectively using. It is not known how the above three Members are coming out on the issue but we are advised that they are not among the 21 Democrats who have signed on with McClory to oppose the bill in its present form. However, because of their constituencies pretty much dixie, Whitten and Volkmer probably lean towards McClory.

3. The points to make are:

a. surveillance capabilities must be placed on reliable legal footing or we may lose them;

- b. vital intelligence will not be lost under the bill;
- c. we can distinguish between the collection activities (foreign or U.S. persons) which is the dividing line requiring a warrant; and
- d. you have confidence in the courts.

4. Justice has recommended that the DDCI call:

Representative Frank Horton (R., N.Y.)

" Thomas F. Railsback (R., Ill.)
" Dante B. Fascell (D., Fla.)
" Robert N. Giaimo (D., Conn.)

We will get a separate note to the DDCI on that.

Frederick P. Hitz
Legislative Counsel

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